

ASSEMBLY BILL

No. 421

Introduced by Assembly Member Benoit

February 16, 2007

An act to amend, repeal, and add Section 1803 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 421, as introduced, Benoit. Department of Motor Vehicles: abstract of record of court.

Existing law requires the clerk of a court in which a person was convicted of any vehicle violation or other specified violations to prepare within 10 days after conviction or sentencing and immediately forward to the Department of Motor Vehicles an abstract of the record of the court covering that case. If a court impounds a license or limits a person's driving, the clerk of the court is required to prepare and forward to the department an abstract of the court record within 10 days after the impoundment or limitation. Within 10 days of an order terminating or revoking probation under certain provisions relating to DUI, the clerk of the court is required to prepare and forward to the department an abstract of that court order.

This bill would, commencing October 1, 2008, reduce the time for forwarding those abstracts of the court record to 5 days.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1803 of the Vehicle Code is amended to read:

1803. (a) The clerk of a court in which a person was convicted of any violation of this code, was convicted of any violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, an aquaplane, or similar device, was convicted of any violation of Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation Code, or any violation of Section 191.5 of the Penal Code when the conviction resulted from the operation of a vessel, was convicted of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, was convicted of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or was convicted of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 10 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a):

- (1) Division 3.5 (commencing with Section 9840).
- (2) Section 21113, with respect to parking violations.
- (3) Chapter 9 (commencing with Section 22500) of Division 11, except Section 22526.
- (4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).

1 (5) Division 15 (commencing with Section 35000), except
2 Chapter 5 (commencing with Section 35550).

3 (6) Violations for which a person was cited as a pedestrian or
4 while operating a bicycle or a motorized scooter.

5 (7) Division 16.5 (commencing with Section 38000), except
6 Section 38301.3.

7 (8) Subdivision (b) of Section 23221, subdivision (b) of Section
8 23223, subdivision (b) of Section 23225, and subdivision (b) of
9 Section 23226.

10 (c) If the court impounds a license, or orders a person to limit
11 his or her driving pursuant to subdivision (d) of Section 40508,
12 the court shall notify the department concerning the impoundment
13 or limitation on an abstract prepared pursuant to subdivision (a)
14 of this section or on a separate abstract, which shall be prepared
15 within 10 days after the impoundment or limitation was ordered
16 and immediately forwarded to the department at its office in
17 Sacramento.

18 (d) If the court determines that a prior judgment of conviction
19 of a violation of Section 23152 or 23153 is valid or is invalid on
20 constitutional grounds pursuant to Section 41403, the clerk of the
21 court in which the determination is made shall prepare an abstract
22 of that determination and forward it to the department in the same
23 manner as an abstract of record pursuant to subdivision (a).

24 (e) Within 10 days of an order terminating or revoking probation
25 under Section 23602, the clerk of the court in which the order
26 terminating or revoking probation was entered shall prepare and
27 immediately forward to the department at its office in Sacramento
28 an abstract of the record of the court order terminating or revoking
29 probation and any other order of the court to the department
30 required by law.

31 (f) *This section shall remain in effect only until October 1, 2008,*
32 *and as of that date is repealed, unless a later enacted statute, that*
33 *is enacted before October 1, 2008, deletes or extends that date.*

34 SEC. 2. Section 1803 is added to the Vehicle Code, to read:

35 1803. (a) The clerk of a court in which a person was convicted
36 of any violation of this code, was convicted of any violation of
37 subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the Harbors
38 and Navigation Code pertaining to a mechanically propelled vessel
39 but not to manipulating any water skis, an aquaplane, or similar
40 device, was convicted of any violation of Section 655.2, 655.6,

658, or 658.5 of the Harbors and Navigation Code, or any violation of Section 191.5 of the Penal Code when the conviction resulted from the operation of a vessel, was convicted of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, was convicted of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or was convicted of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 5 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 5 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a):

- (1) Division 3.5 (commencing with Section 9840).
- (2) Section 21113, with respect to parking violations.
- (3) Chapter 9 (commencing with Section 22500) of Division 11, except Section 22526.
- (4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).
- (5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).
- (6) Violations for which a person was cited as a pedestrian or while operating a bicycle or a motorized scooter.
- (7) Division 16.5 (commencing with Section 38000), except Section 38301.3.
- (8) Subdivision (b) of Section 23221, subdivision (b) of Section 23223, subdivision (b) of Section 23225, and subdivision (b) of Section 23226.

(c) If the court impounds a license, or orders a person to limit his or her driving pursuant to subdivision (d) of Section 40508,

1 the court shall notify the department concerning the impoundment
2 or limitation on an abstract prepared pursuant to subdivision (a)
3 of this section or on a separate abstract, which shall be prepared
4 within 5 days after the impoundment or limitation was ordered
5 and immediately forwarded to the department at its office in
6 Sacramento.

7 (d) If the court determines that a prior judgment of conviction
8 of a violation of Section 23152 or 23153 is valid or is invalid on
9 constitutional grounds pursuant to Section 41403, the clerk of the
10 court in which the determination is made shall prepare an abstract
11 of that determination and forward it to the department in the same
12 manner as an abstract of record pursuant to subdivision (a).

13 (e) Within 5 days of an order terminating or revoking probation
14 under Section 23602, the clerk of the court in which the order
15 terminating or revoking probation was entered shall prepare and
16 immediately forward to the department at its office in Sacramento
17 an abstract of the record of the court order terminating or revoking
18 probation and any other order of the court to the department
19 required by law.

20 (f) This section shall become operative on October 1, 2008.